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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/399,535	03/07/95	JANZEN	E 594V.42-CIP/

QM12/0525

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EXAMINER

JACKSON, G

ART UNIT

PAPER NUMBER

3731

16

DATE MAILED:

05/25/00

Please find below and/or attached an Office communication concerning this application or proceeding.

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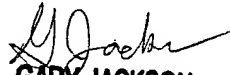
EXAMINER	
ART UNIT	PAPER NUMBER

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents.

A shortened statutory period for reply to this action is set to expire **ONE MONTHS** from the mailing date of this letter.


GARY JACKSON
PRIMARY EXAMINER
GROUP 3300

Gary Jackson
May 25, 2000

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DETAILED ACTION

1. The indicated allowability of claim 103 is withdrawn in view of the new questions of USC 112, 1st paragraph question. Rejections based on the new question follow. The examiner regret any inconvenience the delay this rejection may have caused.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 103 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for “withdrawing the cardiac catheter”, does not reasonably provide enablement for “withdrawing the cardiac catheter from the guide tube” *and* “*move the guide tube outwardly* so that it no longer extends within the puncture and leave the guide wire extending through the puncture”. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claims.

4. The copied Lee ‘332 claim is directed to a method of closing a puncture in an artery wall. The recitation in the preamble, which gives breath and meaning to this claim, recite an exterior guide tube extend into the puncture and into the artery to enable an cardiac catheter to move into

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the artery. Lee initial method step call for “**withdrawing the cardiac catheter from the guide tube**”.

Applicants’ disclosure cannot support this step because, applicants’ method step as disclosed in column 4, line 16-19, as follow: “In accordance with the method of the instant invention, first the device 7 and cannula 3 are removed, leaving the guide wire 15 in place.

Note: Lee’s method step leave a sheath 20 after withdrawal of the cardiac catheter from the sheath and puncture; whereas applicants withdraw both catheter 7 and cannula 3, leaving only the guide wire 15. Applicants cannot again move the guide wire outwardly as recited.

Lee latter extend a plug having a removable guide wire extending therethrough to the puncture and through the guide tube and move the guide tube outwardly.

Applicants’ specification is not enabling for this method step since the catheter and cannula has already been removed. Neither of the embodiments disclose this method step. Applicants cannot piecemeal different species of the invention to arrive at Lee’s method.

For these reasons, claim 103 is rejected under 35 USC 112, first paragraph.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Jackson whose telephone number is (703) 308-4302.

Gary Jackson
May 24, 2000

 5/24/00
GARY JACKSON
PRIMARY EXAMINER
GROUP 3300